

## CONSUMER SERVICES DIVISION STAFF REPORT

May 19, 2003

SUBJECT: Staff recommends that the Commission initiate a rulemaking to revise 83 Ill. Adm. Code 755, Telecommunications Access for Persons with Disabilities

### Background

In 1985, the Illinois General Assembly passed the Universal Telephone Service Protection Law. This law called for the Illinois Commerce Commission to establish a Telecommunications Relay Service and TTY Equipment Loan Program to residents of Illinois. The local exchange telecommunications carriers formed a not-for-profit corporation, Illinois Telecommunications Access Corporation ("ITAC") to meet the requirements of the law. In the fall of 1988, ITAC began the TTY (teletypewriter or telecommunications device for the deaf) distribution program.

ITAC is funded by a monthly line charge on every subscriber line in Illinois. The Illinois Commerce Commission based on the coming year's projected expenses adjusts the line charge annually on April 1.

### II. Synopsis of the Revisions to Part 755

Currently, Part 755 confines ITAC to the offering of three pieces of equipment: TTY, TTY with a large visual display ("LVD"), and a telebraille. Technology for persons with hearing and speech disabilities has been rapidly changing over the recent past with the development and offering of several new pieces of equipment. For example, persons who are hard of hearing who want equipment from ITAC are required to take a TTY, because there was no equipment available to meet their need. Now, hard of hearing individuals have several new and different types of equipment available to them, but ITAC cannot provide this equipment because of current rule restrictions. In this rulemaking it is Staff's intent to open the rule to allow ITAC the ability to offer persons with disabilities access to new and fast changing technology.

Staff and ITAC have worked to revise and update certain portions of the rules and have rewritten other portions of Part 755 to do the following:

- The addition of an equipment distribution program through the use of a voucher, rather than ITAC bidding, purchasing, warehousing, and distributing certain standard pieces of equipment. (Section 755.100(b)).

- Removed equipment specifications from the rule to ITAC's tariff, to allow ITAC to keep up with new technology to serve the varying disabilities through a tariff filing, rather than a rulemaking. (Section 755.135(a)(1), (2), and (3)).
- Established parameters to factor into the evaluation of new equipment to be offered, rather than list specific pieces of equipment to be offered. (Section 755.120).
- Incorporate an equipment trial program, so that ITAC can conduct limited trials and analyses of certain pieces of equipment, before offering to eligible recipients through their program. (Section 755.135(4)).
- Changed the Commission decision in Docket No. 91-0141 by removing the ITAC line charge from the basic rate for identification on the telephone bill. (Section 755.105(a)).
- Require that all local exchange telecommunications carriers be responsible for collecting and remitting the line charge to ITAC. (Section 755.105(a)).
- Defined personal services contracts and increased the dollar amount for personal services and equipment contracts to be bid and approved by the Commission. (Sections 755.10 and 755.135(b)).
- Update the centrex equivalency and define the PBX equivalency to be consistent with 9-1-1 collection. (Section 755.10 definition of Subscriber lines).
- A general updating the terminology and definitions found in the rule.

Staff, the ITAP Advisory Council, ITAC Staff and Board of Directors, the Illinois Telecommunications Association, Illinois Deaf and Hard of Hearing Commission, Office of Rehabilitation Services, members of the deaf and hard of hearing community, and the telecommunications industry attended several meetings and workshops to update and expand the rule to meet everyone's needs. To that end Staff believes that there is agreement on the draft rule and is not aware of any individual or group that is not in agreement with the revisions being proposed.

III

Recommendation

For the reasons set forth above, the Consumer Services Division recommends that the Commission initiate a rulemaking to revise 83 Ill. Adm. Code 755, Telecommunications Access for Persons with Disabilities in the manner reflected in the draft proposed amendments attached to this report.

Prepared by

A handwritten signature in black ink, appearing to read "Alcinda Jackson".

Alcinda Jackson  
Consumer Policy Analyst  
Consumer Services Division

Approved by

A handwritten signature in black ink, appearing to read "Debi Barr-Holquist".

Debi Barr-Holquist  
Director, Consumer Services Division